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**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** On February 13, 2009, the Postal Service filed a notice of classification change which affects the availability of Priority Mail International to three destination countries (Ascension Island, Falkland Islands, and Democratic People's Republic of (North) Korea).<sup>1</sup> Priority Mail International is a competitive product of general applicability.

The Notice was filed pursuant to 39 CFR 3020.90 and 3020.91 governing requests initiated by the Postal Service to change the Mail Classification Schedule. These rules were established to provide a streamlined approach to allow minor corrections, and to keep the Mail Classification Schedule up to date for changes that do not rise to the level of invoking other statutory requirements or Commission rules. Under these rules, review by the Commission is limited. See 39 CFR 3090.93.

In this light, the Postal Service's filing could be interpreted as a minor revision to the Mail Classification Schedule, which merely extends the availability of an existing service at established rates to three additional countries. Because no supporting data are provided, it could also be inferred that the changes have no cost or revenue impact on the underlying product.

On the other hand, the classification changes could be interpreted as establishing new rates for a product to three countries where it previously was not offered. This interpretation views the changes as more than a simple correction to the Mail Classification Schedule, but rather as a change in rates triggering the filing requirements of 39 CFR 3015.<sup>2</sup> In this instance, the Commission finds this interpretation to be more appropriate.<sup>3</sup>

Since this is a case of first impression, the Postal Service will not be required to re-file its Notice under a "CP" designation. However, all future

<sup>1</sup> Notice of the United States Postal Service of Classification Change, February 13, 2009; United States Postal Service Notice of Errata to Notice of Classification Change, February 18, 2009 (together referred to as the Notice).

<sup>2</sup> An analogy can be found in the filing of a shell classification for a competitive international negotiated service agreement product. Adding an additional specific agreement to the shell classification triggers the requirements of 39 CFR part 3015.

<sup>3</sup> The cost and revenue impact may turn out to be minimal in this instance. However, it would be unwise to establish procedural precedent for filings of this nature based on conjecture.

competitive product classification changes of this nature must be filed as CP dockets pursuant to 39 CFR part 3015.

With respect to the instant filing, the Postal Service is required to provide supplemental information demonstrating that the underlying product continues to meet the requirements of 39 U.S.C. 3633. Furthermore, the Postal Service shall indicate which of the Priority Mail International items (flat rate envelope, flat rate boxes, or parcels) will be available in each of the three identified countries. This information shall be filed by February 24, 2009.

The Commission appoints Paul L. Harrington to serve as Public Representative in this docket.

Interested persons may submit comments on whether the Postal Service's filing in the captioned docket is consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015. Comments are due no later than February 27, 2009.

*It is Ordered:*

1. The Commission establishes Docket No. MC2009-16 to consider the Postal Service's Notice concerning expanding the availability of Priority Mail International to three additional destination countries.

2. The Postal Service shall file the supplemental information identified in the body of this Order by February 24, 2009.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. Comments by interested persons in this proceeding are due no later than February 27, 2009.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Steven W. Williams,**

*Secretary.*

[FR Doc. E9-4055 Filed 2-24-09; 8:45 am]

**BILLING CODE 7710-FW-P**

**SECURITIES AND EXCHANGE COMMISSION**

**Submission for OMB Review; Comment Request**

*Upon Written Request, Copies Available From:* U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

*Extension:*

Regulation AC; OMB Control No. 3235-0575; SEC File No. 270-517.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the existing collection of information provided for in the following rule: Regulation Analyst Certification (AC) (17 CFR 242.500-505).

Regulation AC requires that research reports published, circulated, or provided by a broker or dealer or covered person contain a statement attesting that the views expressed in each research report accurately reflect the analyst's personal views and whether or not the research analyst received or will receive any compensation in connection with the views or recommendations expressed in the research report. Regulation AC also requires broker-dealers to, on a quarterly basis, make, keep, and maintain records of research analyst statements regarding whether the views expressed in public appearances accurately reflected the analyst's personal views, and whether any part of the analyst's compensation is related to the specific recommendations or views expressed in the public appearance. Regulation AC also requires that research prepared by foreign persons be presented to U.S. persons pursuant to Securities Exchange Act Rule 15a-6 and that broker-dealers notify associated persons if they would be covered by the regulation. Regulation AC excludes the news media from its coverage.

The collections of information under Regulation AC are necessary to provide investors with information with which to determine the value of the research available to them. It is important for an investor to know whether an analyst may be biased with respect to securities or issuers that are the subject of a research report. Further, in evaluating a research report, it is reasonable for an investor to want to know about an analyst's compensation. Without the information collection, the purposes of Regulation AC could not be met.

The Commission estimates that Regulation AC imposes an aggregate annual time burden of approximately 28,538 hours on 5,186 respondents, or approximately 5.5 hours per respondent. The Commission estimates that the total annual internal cost of the 28,538 hours is approximately \$10,525,642.00, or approximately \$2,030.00 per respondent, annually.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *Shagufta\_Ahmed@omb.eop.gov*; and (ii) Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA\_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

Dated: February 18, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 26, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The Acting General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in closed session and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, February 26, 2009 will be:

Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings of an enforcement nature;

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: February 20, 2009.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. E9-3993 Filed 2-24-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59417; File No. SR-CBOE-2008-115]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Amendments No. 1 and 2 and Order Granting Accelerated Approval to a Proposed Rule Change, as Modified by Amendments No. 1 and 2 Thereto, Relating to FLEX Options Expirations

February 18, 2009.

#### I. Introduction

On November 19, 2008, Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange"), filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend its rules regarding permissible expiration dates for Flexible Exchange Options ("FLEX Options"). On December 15, 2008, the proposed rule change was published for comment in the **Federal Register**.<sup>3</sup> On January 28, 2009, the Exchange filed Amendment No. 1<sup>4</sup> and on February 12, 2009, the Exchange filed Amendment No. 2.<sup>5</sup> The

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 59060 (December 5, 2008), 73 FR 76075 ("Notice").

<sup>4</sup> In Amendment No. 1, the Exchange: (1) Further amended Rules 24A.7, 24A.8, 24B.7 and 24B.8 to clarify the applicable exercise limits for FLEX Options that expire on a third Friday-of-the-month expiration day ("Expiration Friday"); (2) made a typographical correction to the rule text proposed to be added to Rule 24A.7.

<sup>5</sup> In Amendment No. 2, the Exchange (1) further amended Rules 24A.4 and 24B.4 to impose additional restrictions on FLEX Options that expire on any business day that falls on, or within two business days of, an Expiration Friday by specifying that they may only have an a.m. exercise settlement value; (2) made a technical correction to the

Commission received no comments on the proposed rule change. This order provides notice of filing of Amendments No. 1 and 2 to the proposed rule change and grants accelerated approval to the proposed rule change, as modified by Amendments No. 1 and 2.

#### II. Description of the Proposal

Under current CBOE Rules 24A.4 and 24B.4, FLEX Options<sup>6</sup> may not expire on any business day that falls on, or within two business days of, an Expiration Friday.<sup>7</sup>

In this proposed rule change, the Exchange proposed to eliminate the expiration date restriction on FLEX Options expiring on or within two business days of Expiration Friday ("Blackout Period") so that FLEX Options may expire on any business day. Under its proposal, position and exercise limits, as applicable under CBOE Rules, and reporting requirements would continue to apply.<sup>8</sup> The

reference to the Exchange Rules contained in footnote 6 of the original proposed rule change.

<sup>6</sup> FLEX Options (FLEX Index Options and FLEX Equity Options) provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices. FLEX Index Options and Flex Equity Options are index options and options on specified equity securities, respectively, that are subject to the FLEX rules in Chapters XXIVA or XXIVB of the CBOE Rules. FLEX Index Options Series may be approved and open for trading on any index that has been approved for Non-FLEX Options trading or for warrant trading on the Exchange. FLEX Equity Options transactions are limited to transactions in options on underlying securities that have been approved by the Exchange in accordance with CBOE Rule 5.3, which includes, but is not limited to, stock options and exchange-traded fund options. In addition, other products are permitted to be traded pursuant to the FLEX trading procedures. For example, credit options are eligible for trading as FLEX Options pursuant to the FLEX rules in Chapters XXIVA and XXIVB. See CBOE Rules 24A.1(e) and (f), 24A.4(b)(1) and (c)(1), 24B.1(f) and (g), 24B.4(b)(1) and (c)(1), and 28.19.

<sup>7</sup> For example, under the current rule, a FLEX Option could expire on the Tuesday before Expiration Friday, but could not expire on the Wednesday or Thursday before Expiration Friday. Similarly, a FLEX Option could expire on the Wednesday after Expiration Friday, but could not expire on the Monday or Tuesday after Expiration Friday. However, subject to certain aggregation requirements for cash settled options, the current FLEX Rules do permit the expiration of FLEX Options on the same day that Non-FLEX quarterly index options ("QIX") and Non-FLEX Weekly Options expire.

<sup>8</sup> FLEX Index Options overlying all industry indexes, all micro narrow-based indexes, and certain broad-based indexes are subject to position and exercise limits under CBOE Rules 24A.7, 24A.8, 24B.7, and 24B.8 and will continue to be under the proposal. FLEX Index Options on certain other broad-based indexes (specifically the BXM, DJX, NDX, OEX, RUT, SPX, VIX, VXD, VXN, XEO, CBOE S&P 500 Three-Month Realized Variance and S&P 500 Three-Month Realized Volatility), and FLEX Equity Options are not subject to position limits but would remain subject to reporting requirements under CBOE Rules 24A.7 and 24B.7.

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